

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP

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DATE: August 17, 2004

TO: Examiner Raymond Alejandro
 TC Art Unit: 1745

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin, III

No. of pages transmitted
 (including this page): 3

Our File: VER-153XX

Time:

Your Ref:

Application No. 09/980,106
 Filed Date: April 9, 2002
 Confirmation No.: 1182

Sent by: Rose

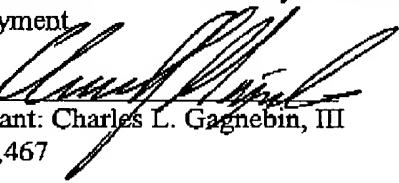
A confirmation copy of this transmission will not be mailed unless the following is checked: []
 MESSAGE

PLEASE DELIVER DIRECTLY TO:
 EXAMINER Raymond Alejandro, Tel. (571) 272 1282
 TC ART UNIT NO: 1745

FOR ENTRY

Enclosed for filing please find a: **Notice of Appeal**

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.


 Attorney for Applicant: Charles L. Gagnebin, III
 Registration No. 25,467

310209-1

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.

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AUG 17 2004

Application No.: 09/980,106
Filed: April 9, 2002
TC Art Unit: 1745
Confirmation No.: 1182

Rev 06/04

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP

Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
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OFFICIAL

Via Facsimile
COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Date: August 17, 2004

Attorney
Docket No.: VER-153XX

Sir:

In re application of: Anton Scholten et al**Entitled: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT**Transmitted herewith is a **Notice of Appeal** in the above-identified application. The following checked items are applicable:

- [] This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$_____) per §1.17(e).
 Enter the unentered amendment previously filed on _____ per §1.116.
- [] A Petition for Extension of Time for a ____ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the differential cost of same (\$_____) per §1.17.
- [X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- [] Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	4 - 5	= 0	x \$86.00 =	-0-
Total	4 - 28	= 0	x \$18.00 =	-0-
[] Multiple Dependent Claims (1st presentation)		+ \$290.00 =		-0-
SUBTOTAL ADDITIONAL FEE				-0-
Small Entity filing, divide by 2. Small Entity status must be asserted.				N/A
STOTAL ADDITIONAL FEE				-0-

- [X] **No additional fee.** [] The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$_____) for the cost of same.
- [X] **The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.**

I hereby certify that this correspondence is being sent via facsimile to Examiner Raymond Alejandro, TC Art Unit 1745, Fax No. (703) 872 9306, on 8-17-4.

SUBMIT IN TRIPPLICATE
CLG/raw 310196-1

Attorney of Record: Charles L. Gagnebin, III
Registration No.: 25,467

09/980,106
 Filed: April 9, 2002
 TC Art Unit: 1745
 Confirmation No.: 1182

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
 Ten Post Office Square
 Boston, Massachusetts 02109
 Telephone: (617) 542-2290
 Telecopier: (617) 451-0313

Date: August 17, 2004

Attorney
 Docket No.: VER-153XX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Anton Scholten et al.

Entitled: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT

VIA FACSIMILE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 9, 2004 of the Examiner finally rejecting claims 1-4, 8, 11 and 14-19.

Authorization is provided herewith to charge Deposit Account No. 23-0804 in the amount of \$330.00 to cover the Notice of Appeal fee.

The following checked items are appropriate:

A timely response to the final rejection:

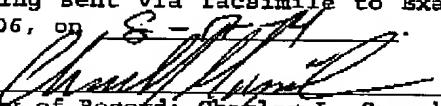
has been filed on 7/15/2004 [] is hereby filed

An extension of time to respond to the final rejection:

1. was requested on August 5, 2004 for 3rd month;
 2. is hereby requested for ____ month(s) and a check in the amount of \$ _____ for the extension fee is enclosed.
 3. is included on the enclosed amendment transmittal form along with authorization to the Deposit Account for associated extension fee.
- In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Raymond Alejandro, TC Art Unit 1745, Fax No. (703) 872-9306, on 8-17-04.

SUBMIT IN TRIPPLICATE
 CLG/raw 310195-1


 Attorney of Record: Charles L. Gagnebin, III
 Registration No.: 25,467